

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Gabriel Randolph, #248729,)	
)	C/A No.: 2:06-3432-MBS
Plaintiff,)	
)	
vs.)	
)	ORDER
Richard Bazzle, Warden; C. Buchler,)	
Law Library Supervisor of Perry Corr.)	
Inst. ; South Carolina Department of)	
Corrections; and SCDC General Counsel,)	
each individual capacity,)	
)	
Defendants.)	
_____)	

Plaintiff Gabriel Randolph is an inmate in custody of the South Carolina Department of Corrections (SCDC). Plaintiff currently is housed at Lee Correctional Institution in Bishopville, South Carolina. At the time of the underlying events, Plaintiff was housed at Perry Correctional Institution (PCI) in Pelzer, South Carolina. Plaintiff brings this action pursuant to 42 U.S.C. § 1983, asserting that he was denied his constitution right of access to the courts because PCI lacks an adequate law library and because the prison employee assigned to the law library is untrained in the law. It appears that Plaintiff's claims have been administratively exhausted as mandated by 42 U.S.C. § 1997e(a).

This matter is before the court on Defendants' motion for summary judgment, which motion was filed February 12, 2007. By order filed February 14, 2007, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), Plaintiff was advised of the summary judgment procedure and the possible consequences if he failed to respond adequately. Plaintiff filed a memorandum in opposition to Defendant's motion on March 16, 2007 (Entries 26 and 27) and April 18, 2007 (Entry

34).

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Robert S. Carr for pretrial handling. On May 8, 2007, the Magistrate Judge filed a Report and Recommendation in which he determined that Plaintiff had failed to demonstrate that he had been denied meaningful access to the courts and actual injury, as required by Lewis v. Casey, 518 U.S. 343 (1996), and Bounds v. Smith, 430 U.S. 817 (1977). Accordingly, the Magistrate Judge recommended that Defendants' motion for summary judgment be granted. Plaintiff filed objections to the Report and Recommendation on May 18, 2007.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). Plaintiff's objections generally restate the allegations of his complaint. Plaintiff merely states that he has no access to a person trained in the law and the PCI law library is out of date.

The court need not conduct a de novo review when a party makes only general and conclusory objections that do not direct the court to a specific error in the Magistrate Judge's proposed findings and recommendations. Orpiano v. Johnson, 687 F.2d 44, 47-48 (4th Cir. 1982). The court has carefully reviewed the record and agrees with the Magistrate Judge that the Plaintiff has failed to establish either the denial of meaningful access to the court or actual injury as the result

of the denial alleged.

The court concurs in the Report and Recommendation and incorporates it herein by reference. Defendants' motion for summary judgment (Entry 16) is **granted**. Plaintiff's motions for injunctive relief (Entries 12, 30) are denied as moot, because Plaintiff no longer is subjected to the conditions complained of at PCI. See Williams v. Griffin, 952 F.2d 820 (4th Cir. 1991). Plaintiff's motion for injunctive relief as to his legal materials at Lee Correctional Institution (Entry 41) is denied.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

September 4, 2007

Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that she has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.